

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
BNP PARIBAS MORTGAGE
CORPORATION and BNP PARIBAS

Plaintiffs,

Civil Action No. 09-cv-9783-RWS

-against-

BANK OF AMERICA, N.A.,

NOTICE OF MOTION

Defendant.

-----X

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of Bank of America's Motions to Dismiss the Amended Complaints submitted herewith, the accompanying Declaration of Richard St. John of April 29, 2010, and the exhibits thereto, defendant Bank of America, N.A. will move this Court, located at 500 Pearl Street, New York, New York, on September 15, 2010, at 12:00 noon, or as soon thereafter as counsel may be heard, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the First Amended Complaint in this action with prejudice.

Dated: April 30, 2010

Respectfully submitted,

MUNGER, TOLLES & OLSON LLP

By: /s/ Marc T.G. Dworsky
Marc T.G. Dworsky
Kristin Linsley Myles
355 South Grand Avenue, Thirty-Fifth Floor
Los Angeles, California 90071-1560

KING & SPALDING LLP
By: Richard T. Marooney
1185 Avenue of the Americas
New York, New York 10036

*Attorneys for
Defendant Bank of America, N.A.*

To: Robin A. Henry
Motty Shulman
Jack Wilson
BOIES, SCHILLER & FLEXNER LLP
333 Main Street
Armonk, NY 10504

*Attorneys for BNP Paribas Mortgage Corp.
and BNP Paribas*